

Notice of Allowability	Application No.	Applicant(s)	
	10/686,879	WINSTON ET AL.	
	Examiner	Art Unit	
	Frederick Krass	1614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment dated 03/31/06.
2. ☒ The allowed claim(s) is/are 1-5, 7-18 and 23-27.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>6/21/06</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Libby Babu on 06/21/06.

The following changes have been made:

- 1) Claim 1, third line, immediately after "component" there has been inserted --- being ---
- 2) Claim 1, sixth and seventh lines, immediately after each occurrence of "dentifrice" and immediately before each occurrence of each comma there has been inserted --- orentifrice phase ---
- 3) Claim 1, sixth line, immediately after "in" there has been inserted --- an ---
- 4) Claim 1, sixth line, "amounts" has been singularized.

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5) Claim 1, seventh line, immediately before “optionally” there has been inserted the word --- and ---

6) Claim 1, last line, immediately after “dentifrice” there has been inserted --- or dentifrice phase ---

7) Claim 2, last line, immediately before the period ending the claim there has been inserted --- or dentifrice phase ---

8) Claims 3 and 4, second line of each, each occurrence of “species” has been changed to --- component ---

9) Claim 4, second line, immediately after “dentifrice” there has been inserted --- or dentifrice phase ---

10) Claim 5, last line, “formulation” has been changed to --- dentifrice or dentifrice phase ---

11) Claim 7, last line, immediately before the period ending the claim there has been inserted --- , based on the weight of the dentifrice or dentifrice phase ---

12) Claim 7, last line, immediately before the period ending the claim there has been inserted --- , based on the weight of the dentifrice or dentifrice phase ---

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13) Claim 15, second line, "includes the" has been changed to --- is selected from ---

14) Claim 16, second line, "salt" has been deleted.

15) Claims 16-18, last line of each claim, each occurrence of "formulation" has been changed to --- dentifrice or dentifrice phase ---

16) Claim 23, second line, immediately before "an" there has been inserted --- based on the weight of the dentifrice or dentifrice phase, ---

17) Claim 23, third line, immediately before "selected" there has been inserted --- being -
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18) Claim 23, penultimate line, immediately after the first occurrence of "dentifrice" and immediately before the comma there has been inserted --- or dentifrice phase ---

19) Claim 23, penultimate line, immediately before "at" there has been inserted --- and ---

20) Claim 23, penultimate line, immediately after the second occurrence of "dentifrice" there has been inserted --- or dentifrice phase ---

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21) Claims 25 and 26, first line of each claim, each occurrence of “species’ has been changed to --- component ---

22) Claim 26, second line, immediately after “dentifrice” there has been inserted --- or dentifrice phase ---

Applicant’s proposed amendment to the specification was non-compliant because it failed to include the text of paragraphs in which the changes were to be made. This is not required, however, in an Examiner’s Amendment. Accordingly, the same changes are repeated herein as follows:

23) In the specification, page 2, line 15, “4,590,077” has been changed to --- 4,590,066 –

24) In the specification, page 3, line 20, “6,149,448” has been changed to --- 6,159,448 –

25) In the specification, page 17, lines 6 and 7, the sentence reading : “The formulations are set forth in Table 1 below.” : has been deleted in its entirety.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick Krass whose telephone number is (571) 272-0580. The examiner can normally be reached on Monday-Friday from 9:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ardin Marschel can be reached at (571) 272-0718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frederick Krass
Primary Examiner
Art Unit 1614

